

B E R M U D A.

An ACT for the Settlement of a Yearly Salary on his Excellency WILLIAM BROWNE, Esquire, Captain General, Governor, and Commander in Chief of these Islands.

HEREAS it is essentially necessary to the better support of the Honor and Dignity of this his Majesty's Government, that a Salary adequate to the Abilities of the People, should be settled on his Excellency the Governor and Commander in Chief during his Residence within these Islands as such; and whereas our Most gracious Sovereign has been pleased to permit and allow, by a Royal Instruction for the Purpose, the Assembly of these Islands to settle upon the Governor and Commander in Chief, for the Time being, such additional Salary as they shall think proper, We, therefore, your Majesty's most dutiful and loyal Subjects the General Assembly of these your Majesty's Bermuda or Somers' Islands, in America, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council and Assembly, and it is hereby enacted by the Authority of the same, that there be settled on his Excellency William Browne, Esquire, a yearly Salary of Five Hundred Pounds Current Money; and that on or before the 16th Day of June next there be paid to his said Excellency William Browne, Esquire, from the Public Treasury of these Islands, the aforesaid

B

Sum

Sum of Five Hundred Pounds Current Money, in full Payment for the first Year; and that the like Sum of Five Hundred Pounds be Yearly, and every Year subsequent thereto, during his Residence within these Islands as Governor and Commander in Chief, paid to his said Excellency from the Public Treasury as aforelaid, in four equal and quarterly Payments, to be reckoned from the said 16th day of June next, which Salary shall be, and is hereby declared to be in full for every Demand which former Governors have been accustomed at any Time heretofore to make on the Public of these Islands, as well for Repairs to the Government House as otherwise.

VOTED and passed the Assembly this 2d Day of February 1782, and Ordered to be laid before the Council for Concurrence.

CORNELIUS HINSON, *Speaker.*

CONCURRED to by the Council
this 2d Day of February 1782.

THOMAS JONES, *President.*

ASSENTED to this 16th Day of March 1782.

WILLIAM BROWNE.



B E R M U D A.

An ACT to explain and amend an Act, entitled “ An Act for the more effectual
“ cleaning, amending, and enlarging the
“ Highways and Public Paths in and
“ throughout these Islands.”

WHEREAS notwithstanding the wholesome Regulations comprised and mentioned in the said Act, entitled “ An Act for the more effectual cleaning, amending, and enlarging the Highways and Public Paths in and throughout these Islands,” the laudable Intentions of the Legislature have not been carried fully into execution; now the better to effect the said Purpose, We, your Majesty's most dutiful and loyal Subjects the General Assembly of these your Majesty's Bermuda or Somers' Islands, in America, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council, and Assembly, and it is hereby enacted and ordained by the Authority of the same, That although the several Parishes in these Islands, or some of them, have neglected annually to nominate and appoint Surveyors of the Road agreeable to the Prescription of such Act, yet, that such Neglect shall not in future preclude the said Parishes from the power of electing such Surveyors, but that it shall and may be lawful for the said Parishes Yearly, and every Year, to proceed to such Nomination and Appointment.—And whereas also some Difficulties have been thrown in the Way of the Surveyors of the Roads by a supposition in the Owners of the Land through which the Highway is by the said Act directed to be made, that the Legislature did not mean to make good the Loss of Land any Person may sustain by such Road, now, in order to obviate these Difficulties, be it enacted by the Authority aforesaid, that every Owner or Proprietor of Land through which the said Road has
already,

already, or may in future be made, be paid and allowed from the Public Treasury such Sum in lieu thereof as shall by the Surveyors employed, or hereafter to be employed in such Work, with the assistance of the Justice of the Peace and Freeholders, in the Mode prescribed by the said Act, be certified to be the Value of the Land so consumed by such Road.

AND be it also enacted by the Authority aforesaid, that such Parts of the Pubic Roads as are not yet compleated, be compleated at the expence of the Public in the manner prescribed by the said Act; and that whenever this shall be done, the said Roads be kept in repair at the Expence of the respective Parishes, by Assessments to be therein annually made by the Vestry or Assessors in such Parish, and levied and collected as other Parochial Charges. Provided always that there be reserved to each Inhabitant the Privilege of paying his or her Proportion of such Assessment in Labour, at a Rate to be fixed by the Surveyors of the Road in each Parish. And that in case the Vestry or Assessors of any Parish shall neglect for the space of one Year to raise, by assessment, a suitable Sum for the Repairs of the said Highways, they shall severally forfeit and pay the Sum of Ten Pounds, to be recovered by any Person who shall sue for the same.

AND be it further enacted by the Authority aforesaid, that if at any time after the said Roads shall be compleated, the same shall for the space of three months remain unamended and cleaned, or be suffered to be out of repair, the said Surveyors shall severally forfeit and pay to any Person who may sue for the same the Sum of Five Pounds each, besides being subject and liable to an Indictment for their neglect.

AND be it enacted by the Authority aforesaid, that all Fines and Forfeitures arising by virtue of this Act, be one Half to whoever shall sue for the same, and the other Half to his Majesty, his Heirs and Successors, for and towards supplying the Deficiency of the Fund established by an Act, entitled "An Act for raising a Public Revenue for the Support of the Government of these his Majesty's Islands."

VOTED and passed the Assembly this 9th Day of February 1782, and Ordered to be laid before the Council for Concurrence.

CORNELIUS HINSON, Speaker.

CONCURRED to by the Council this 26th Day of March 1782.

THOMAS JONES, President.


ASSENTED to this 30th Day of March 1782.

WILLIAM BROWNE.



B E R M U D A.

An A C T for the Amendment of an Act,
entitled “ An Act directing what Warning
“ is to be given to a Tenant at Will.”



HEREAS the said Act, entitled, “ An Act
“ directing what Warning is to be given to a
“ Tenant at Will,” has been found, though
productive of considerable Security to the Les-
sees of Lands in these Islands, yet to leave the
Lessors in a great Measure destitute of any ex-
peditious Mode of either compelling the regu-
lar Payment of their Rents, or of recovering the Possession of their
Lands and Tenements, in order, therefore, to remove this Difficul-
ty, and place the Lessors on an equal footing with the Lessees,
We, your Majesty's most dutiful and loyal Subjects the General
Assembly of these your Majesty's Bermuda or Somers' Islands, in
America, do most humbly beseech your Majesty that it may be
enacted, and be it enacted by your Majesty's Governor, Council,
and Assembly, and it is hereby enacted and ordained by the Au-
thority of the same, That from and after the Publication hereof
all Rents arising from Houses, Lands, Wharfs, Tenements, Here-
ditaments, or any other Real Estate within these Islands already
letten, or hereafter to be lett, shall, unless otherwise expressly sti-
pulated in a written Agreement or Lease, duly executed by the
Lessor and Lessee, be deemed, adjudged, and taken to be payable
Half Yearly. And that in case any Rent shall be in arrear for the
space of Ten Days next after the same shall become due as afore-
said, it shall and may be lawful for the Lessor to apply to any Jus-
tice

C

tice of the Peace, either of the Parish where the Tenant or Lessee shall dwell or reside, or some neighbouring Justice of the Peace, prove the Quantum of such Rent, and thereupon obtain a Warrant from such Justice, to be directed to a Constable of the Parish where such Lands, Tenements, Hereditaments, or other Real Estate, may lay, authorising such Constable to enter at any time in the Day, into or upon such Houses, Lands, Tenements, Hereditaments, and other Real Estate, and there levy such and so many Goods, Chattels, Negroes, or other Personal Estate as shall be deemed sufficient to defray the said Rent, and the incidental Charges, which said Goods being first appraised by two fit Persons, approved by the Justice aforesaid, shall, at the expiration of Ten Days next after the time of such Levy, be sold at Public Outcry (due Notice of the Time and Place of such Sale being previously given by Public Advertisements) and after paying the Rent due to the Lessor, with the incidental Charges, to return the Overplus to the Person or Persons of whom the same had been so levied.

Provided always, and it is hereby enacted by the Authority aforesaid, that it shall and may be lawful for the Person or Persons whose Goods, Chattels, Negroes, or other Personal Estate, shall be levied, to sue out from the Courts of King's Bench, Common Pleas, Oyer and Terminer, General Goal Delivery and Assize, a Writ for the replevyng of such Goods, Chattels, or other Personal Estate, in the usual Mode, and under the like Restrictions, adopted in the Courts at Westminster, in that Part of Great Britain called England, at any Time prior to the sale of such Goods, Chattels, Negroes, or other Personal Estate.

AND be it also enacted by the Authority aforesaid, that any Lessee of Lands not holding under an actual written Agreement or Lease, being minded to yield up any Premises by him or her occupied, shall give Six Months previous Notice of such Intention to the Lessor, or his lawful Attorney, at the expiration of which Time it shall be lawful for such Lessee to quit the demised Premises. And that when and as often as any Lessee shall have received proper and due Notice from his or her Landlord to quit the demised Premises, and shall not render up peaceable and quiet possession of such demised Premises to the Lessor, at the expiration of Six Months after such Notice (except in some written Agreement between the Lessor and Lessee, otherwise particularly stipulated) it shall and may be lawful for any Justice of the Peace, on due

Proof

Proof of the Facts being clearly made, to grant a Warrant to the Constable of the Parish where the demised Premises shall lay, to oust and turn out of Possession such Lessee, any Law, Usage, or Custom to the contrary in any wise notwithstanding. Always provided that all verbal Agreements now subsisting between the Owners and Tenants of any Lands, Tenements, or other Real Estate for the holding for any Period beyond a Year, be not affected by this Act, but be in such force as if this Act had never been made. And that this Act be not in force until His Majesty's Pleasure shall be had thereon, and made known in these Islands.

VOTED and passed the Assembly this 27th Day of February 1782, and Ordered to be laid before the Council for Concurrence.

CORNELIUS HINSON, *Speaker.*

CONCURRED to by the Council
this 26th Day of March 1782.

THOMAS JONES, President.

ASSENTED to this 30th Day of March 1782.

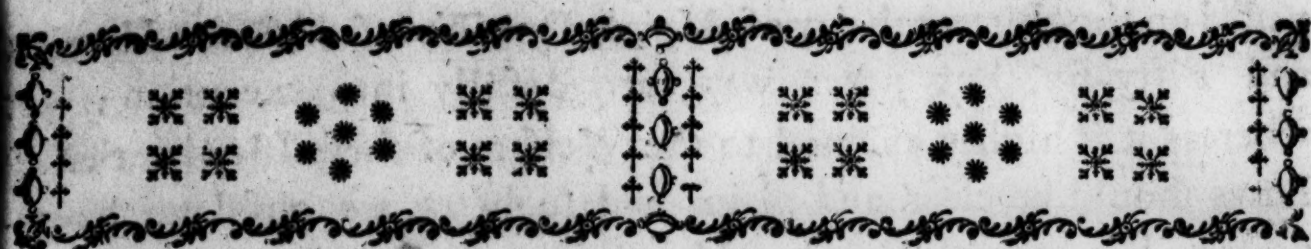
WILLIAM BROWNE.

Point of the facts being clearly made, to grant a Warrant to the
Comptroller of the City, where the detailed Receipts shall be, to
out and run out of Collection such Law, Usage or
Custom as the City may have, and to be paid to the City.
And that all such Receipts now existing between the City
and a certain of any Lands, Tenements, or other Real Estate for
the holding of any period beyond a Year, be not affected by this
Act, but continue in force as if this Act had never been made.
And that this Act be not in force until His Majesty's Letters shall
be and before made known in these Islands.

AND WHEREAS the said Act passed the Assembly this 25th day of
February 1752, and ordered to be read before the Council
for Consideration.
CORNELIUS TAYLOR, Secy.

CONCURRED in by the Council
this 25th day of March 1752.
THOMAS JONES, President.

ASSENTED to the said Act of March 1752.
WILLIAM BROWNE.



B E R M U D A.

A N A C T

For the REVIVAL of the LAWS
of these ISLANDS.

HEREAS his late Majesty King George the Second, of glorious Memory, was graciously pleased by his eighteenth Instruction to his then Governor of these Islands to declare it his Royal Will and Pleasure, and to require and direct his said Governor, jointly with the Council and Assembly of these Islands, forthwith to consider and revise all and every the Laws, Statutes and Ordinances which were in force within these Islands, excepting only such as related to private Property, or were otherwise of a private nature, and in lieu thereof to frame and pass a complete and well digested Body of new Laws; And Whereas his Excellency, the then Governor of these Islands, was pleased to lay before the then Assembly the Copy of an Act passed in April, One Thousand Seven Hundred and Forty-six, in Virginia, laying down a plan for revising the Laws of that Colony, which Act, by Order of his said Majesty, was delivered to the then Governor as a proper Model for one to be passed in these Islands; and Whereas an Act, entitled "An Act for the revival of the Laws of these Islands," was

D

passed

passed on the thirteenth day of *March*, One Thousand Seven Hundred and Fifty-six, but never was carried fully into execution; And whereas it is highly essential to the Welfare of these Islands, that its Laws should be clear and plain, and such as are obsolete, be repealed, We, therefore, your Majesty's most dutiful and loyal Subjects the General Assembly of these your Majesty's Bermuda or Somers' Islands, in America, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council and Assembly, and it is hereby enacted and ordained by the Authority of the same, that the Honorable Jonathan Burch, Henry Tucker, Junior, and Robert Traile, Esquires, Members of his Majesty's Council, and Copeland Stiles, Henry Tucker (of Somerset,) John Esten, Stephen Judkin, and George Bascome, Esquires, Members of the present House of Assembly, or any five of them, whereof two to be of the Council, and three of the Assembly, shall be, and are hereby appointed a Committee for the revival of the whole Body of Laws of these Islands; and that they have full Power and Authority to revise, alter, and amend all or any of the said Laws, and reduce the same into Bills in such manner and form as they shall think fit and necessary, and to report from time to time such Bills to the House of Assembly at the next Meeting after, until the said Laws shall be fully revised.

And to prevent any Delay which may happen in the proceeding of the said Committee, by reason of the Death, Departure from these Islands, or any other disability of the Members, be it further enacted by the Authority aforesaid, that the number of three Counsellors and five Members of the Assembly, to constitute the said Committee, shall from time to time be kept full and entire, and if any Member of the Council, appointed to be of the said Committee, be so disabled, another Member of the Council shall and may be appointed in his stead and place by the Governor or Commander in Chief for the time being; or if any Member of the House of Assembly, appointed to be of the said Committee, shall be so disabled, then the Speaker of the House of Assembly, or in case of his death or disability, the major Part of the Members of the Assembly of the said Committee which shall be present at the next Meeting after such disability, shall be, and are hereby empowered to elect and choose a Member or Members of the Assembly to supply the place and stead of the Member or Members of the Assembly so disabled, which said Counsellor or Counsellors,
Member

Member or Members of the Assembly, so appointed and chosen, shall be, and are hereby declared, Members of the said Committee, if he or they had been by this Act particularly nominated and appointed. Provided always, that no Person whatsoever, either Counsellor or Member of the Assembly, shall be enabled or admitted to give any Vote, or have any Voice at any of the Meetings of the said Committee other than those Persons who are or shall from time to time hereafter, by Virtue of this Act, be appointed or chosen to attend as Members of the said Committee.

AND be it further enacted by the Authority aforesaid, that the said Committee shall have power to meet at such Time and Places as they shall judge proper: and that if this present House of Assembly should be hereafter dissolved before the whole Body of the Laws of these his Majesty's Islands be revised, the said Committee shall not be thereby discontinued, but the same shall continue and act in like manner as if the said Assembly had never been dissolved,

AND be it further enacted by the Authority aforesaid, that the said Committee shall be, and is hereby authorised and empowered to send for any Person, Papers, Records or Copies of Records, by Warrant under the Hand of any one of the Council and two of the Members of the Assembly of the said Committee; and if any Officer or other Person or Persons, shall neglect or refuse to obey any such Warrant as aforesaid, he or they so offending, and being thereof lawfully convicted, shall for every such Offence forfeit and pay the Sum of Twenty Pounds current Money to his Majesty, his Heirs and Successors, for and towards the defraying the Deficiency of the Fund established by an Act, entitled "An Act for raising a Public Revenue for the Support of the Government of these his Majesty's Islands," to be recovered by Action of Debt or Information, in any Court of Record in these Islands, in which no Essoin, Protection, Wager of Law, Privilege or Imparllance, shall be admitted or allowed. Provided always, and it is the true intent and meaning of this Act, that notwithstanding the Powers given by this Act to the said Revisors, the Laws of these Islands of Bermuda, shall stand, remain and be in force as now they are, until they shall be repealed, abrogated, made void, amended or altered by some other Act or Acts of Assembly. And that all Bills of what nature soever that shall be reported by the said Committee of Revisors as aforesaid, shall be construed

construed and deemed not to have any Force or Authority until they have had their formal Readings, and are made Laws by the Legislature of these Islands, any thing in this Act to the contrary in any wise notwithstanding. And that the Services of the said Committee, with all reasonable and incident Charges, be at the next Session of Assembly considered, rewarded and allowed, and so from Time to Time as they shall report to the succeeding Assembly or Assemblies, till all the Laws be revised as aforesaid.

VOTED and passed the Assembly this 7th Day of *February* 1782, and ordered to be laid before the Council for Concurrence.

CORNELIUS HINSON, Speaker.

CONCURRED to by the Council this 15th Day of *March* 1782.

THOMAS JONES, President.

ASSENTED to this 16th Day of *March* 1782.


WM. BROWNE.



B E R M U D A.

A N A C T

For the establishment of a proper SCHOOL
on such Parts of the Glebe Land, situate in
the Parishes of Sandy's and Southampton,
as lie to the North Eastward of the High
Road, and for effecting a better Provision
for the Incumbent, in lieu and stead thereof.



HEREAS the Education of Youth is of the first
Consideration in all well-regulated Communities,
and it is well becoming the Wisdom of the Legisla-
ture of these Islands to give every possible En-
couragement to the establishing Seminaries of
Learning within the same; and as it appears that
the Glebe, situate in the Parishes of Sandy's and Southampton, is
well adapted for the Purpose, and as the Incumbent has not for
many Years resided thereon, and can derive no Inconveniency from
the Application of the Glebe to the erecting thereon a School,
provided such annual Allowance be secured to him and his Succes-
sors as may be more than equal to all Advantages that are or can
be derived to them from the said Glebe, by Occupation, Rent, Lease
or otherwise; And Whereas it is presumed that considerable Sums
may be collected for Promotion of so laudable a Design, We,
therefore, your Majesty's most dutiful and loyal Subjects the
E General

General Assembly of these your Majesty's Bermuda or Sommer's Islands, in America, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council and Assembly, and it is hereby enacted and ordained by the Authority of the same, that such Part of the said Glebe as lies to the North Eastward of the High Road, with all Houses, Out-Houses, Edifices, Gardens, Wharves, Landing-Places, Timber, Trees, Ways, Paths, Commons and every other the Hereditaments thereto belonging, or which now are or formerly have been used, occupied to or with the same, be, and the same are hereby declared to be invested in the Trustees hereinafter mentioned, and their Successors for ever, for the purpose of establishing a proper School for the education of Youth for ever.

AND be it enacted by the Authority aforesaid, that the said Trustees from henceforth, and their Successors, for ever hereafter, shall be and remain one Body Politic and Corporate in, reality, fact and in Name, by the Name of the " Trustees of the School " of the Parishes of Sandy's and Southampton, in the Islands of " Bermuda ; " and that they shall have perpetual Succession, and also that their Successors, by the Name of the Trustees of the School of the Parishes of Sandy's and Southampton, in the Islands of Bermuda, shall be personable in Law to purchase, take, hold, receive and enjoy any Messuages, Houses, Buildings, Lands, Tenements, Rents, Possessions and other Hereditaments, and Real Estate in Fee for Term of Life or Lives, or Years, or in any other manner, so as the same exceed not at any Time the Yearly Value of Five Hundred Pounds current Money by the Year, beyond and above all Charges and Reprisals (the Statute of Mortmain, or any other Statute, Law or Usage, to the contrary notwithstanding) and also Goods, Chattles and all other Things of what kind or quality soever. And also that they and their Successors shall and may give, grant, demise, assign, sell or otherwise dispose of all or any of the Messuages, Houses, Buildings, Lands, Tenements, Rents, Possessions, and other Hereditaments and Real Estate, and all their Goods, Chattles and other Things aforesaid, as to them shall seem meet at their own Will and Pleasure. Always excepting and reserving the Part of the Glebe aforesaid, of which the said Trustees and their Successors shall at no Time hereafter have power to sell or dispose of any Part.

AND be it enacted by the Authority aforesaid, that the said Trustees and their Successors for ever hereafter shall be personable in

in Law, and capable to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and Places, in all and all manner of Actions, Suits, Complaints, Pleas, Causes, Matters and Demands whatsoever, and of what nature or kind soever, in as full and ample Manner and Form as any of the Inhabitants of the said Islands of Bermuda, being personable and capable in Law, can or may sue or be sued, implead or be impleaded, answer or be answered unto, defend and be defended, by any lawful Ways or Means whatsoever.

AND be it also enacted, that the said Trustees for the Time being, and their Successors, shall and may for ever hereafter have and use a common Seal, with such Device or Devices as they shall think proper, for sealing all and singular Deeds, Grants, Conveyances, Contracts, Bonds, Articles of Agreement, Assignments, Diplomas, Powers, Regulations, Authorities and all and singular their Affairs and Things, touching and concerning the conducting and management of the said School, so to be established; and it shall and may be lawful to and for the said Trustees and their Successors, for the Time being, as they shall see cause, to break, change, and new make the same, or any other common Seal, when and as often as to them it shall seem convenient.

AND be it further enacted by the Authority aforesaid, that it shall and may be lawful for the said Trustees and their Successors, for ever hereafter, to nominate and appoint such and so many Presidents, Masters, Tutors and Professors, as to them shall seem meet, for the teaching Language or Science in the said School, and the same at their Pleasure to displace and remove, and others in their stead to re-elect and appoint.

AND be it further enacted, that it shall be lawful for the said Trustees annually, on the first Monday in *October* in every Year, for ever after the said School shall be fully established, to assemble and inspect into the Progress which the Students in the said School shall make in their Studies; and if they shall see meet, to confer on any Candidates the Degrees of Batchelor or Master of Arts, as fully and amply as any other School, Academy or College, within the Kingdom of Great Britain, or any Dominions thereunto belonging, can or may do; and also to make such Bye Laws, Statutes, Rules, Orders or Ordinances, touching the good Government of the

the said School, as the said Trustees, or their Successors, shall judge requisite, not being repugnant to the Laws of the Land.

AND be it enacted by the Authority aforesaid, that within thirty Days after the publication of this Act a Subscription be opened under the direction of the Trustees aforesaid, and conducted in such manner as they shall conceive most conducive to the end proposed, and that the Produce of the said Subscription be applied to the Use and Purposes of this Act. And that every Person who may Subscribe the Sum of Ten Pounds Currency towards defraying the Expence of the said School, or towards the better endowing the same, shall be empowered for every Ten Pounds so subscribed, to recommend a Scholar to be educated therein, in preference to every Person who shall not have so encouraged the said School.

AND be it also enacted by the Authority aforesaid, that it shall and may be lawful for the Members of the House of Assembly for the said Parishes of Sandy's and Southampton, and the Justice and Justices of the Peace for the said Parishes for the Time being, and their Successors, or the Majority of them, annually to recommend three poor Children of each of the said Parishes, to be educated, taught and instructed in the said School Yearly, and every Year for ever hereafter, gratis, and without any Payment or Compensation whatever being made on the part of such Children to the President, Master, Tutors, or any other Officer whatever of the said School.

AND be it also enacted by the Authority aforesaid, that the Governor or Commander in Chief for the Time being, the Honorable the President of his Majesty's Council for the Time being, the Honorable the Speaker of the House of Assembly for the Time being, the Honorable the Chief Justice of all and singular the Courts of King's Bench, Common Pleas, Oyer and Terminer, General Goal Delivery and Assize, for the Islands of Bermuda, for the Time being, the Worshipful Justice or Justices of the Peace for the said Parishes of Sandy's and Southampton for the Time being, the Members of the House of Assembly for the said Parishes of Sandy's and Southampton for the Time being, and the Incumbent of the said Parishes of Sandy's and Southampton for the Time being, be, and the same are hereby declared to be for ever hereafter the standing Trustees of the said School; and that the Honorable John Tudor, Esquire, John Tucker and Robert Tucker, Esquires, Captain

Captain Thomas Hunt, Captain Joseph Outerbridge, Zaccheus Hinson and James Perot, Merchants, Doctor Archibald Campbell and Captain Josiah Dickinson, be the elective Trustees of the said School until the second Monday in *October*, one thousand seven hundred and Eighty-three. And that for ever hereafter the Majority of the standing and elective Trustees and their Successors, do have full Power and Authority to do, negotiate, and transact every Matter and Thing relative to the said School, as fully and simply, to every Intent and Purpose, as if the whole Body of the said Trustees, as well standing as elective, were personally present.

AND be it enacted by the Authority aforesaid, that on the second Monday in *October*, one thousand seven hundred and Eighty-three, there be elected at the School of the Parishes of Sandy's and Southampton aforesaid, if then built, otherwise at the principal House now standing on the said Glebe, by the Freeholders of the said Parishes, who shall, in consequence of Advertisements to be affixed at least Ten Days preceding, in the most public Places within the said Parishes, notifying the Intention, attend other Trustees to officiate for the ensuing Year in the room and stead of the elective Trustees aforesaid. And that for ever hereafter, on the said second Monday in *October*, in every succeeding Year, there be in like manner elected by the Freeholders of the said Parishes of Sandy's and Southampton, to be convened for the purpose in the manner aforesaid, an equal Number of elective Trustees to officiate as aforesaid for the succeeding Year; always understanding, that any elective Trustees, having served in that Office, shall not incapacitate him from being re-elected thereto. And that in case of a Dissolution of the House of Assembly, the Speaker of the said House and Members of Assembly for the said Parishes of Sandy's and Southampton, at the Time of such Dissolution, do continue to be standing Trustees for the said School until another Speaker and other Members of the House of Assembly of the said Parishes of Sandy's and Southampton, shall be elected and qualified in their room and stead. And that it shall be lawful for a Majority of the said Trustees and their Successors, for ever hereafter, to nominate and appoint, by a plurality of Voices, either out of their own Body or otherwise, a Steward and Treasurer, and such and so many other Officers as they shall judge requisite for the better conducting the Business and Affairs of the said School, with power of removal and appointment of others, as they shall, from Time to Time, judge necessary.

F

AND

AND be it also enacted by the Authority aforesaid, that the Trustees of the School of the Parishes of Sandy's and Southampton aforesaid, do pay, or cause to be paid, on or before the first Day of *February*, in every Year, to commence from the passing of this Act, to the present Incumbent, during the time of his residing in these Islands in that capacity, the Sum of Thirty Pounds Currency, in lieu and stead of all Advantages he might have been as Incumbent entitled to from the said Glebe before the passing of this Act. And that the Sum of Fifty Pounds like Currency be in like manner paid Yearly and every Year, to every succeeding Incumbent of the said Parishes of Sandy's and Southampton, during the Time of Residence of such succeeding Incumbent within these Islands in that Capacity. And that the same be recoverable in any Court of Record in these Islands, by Bill, Complaint or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed. Provided always that this Act be not in force until his Majesty's Pleasure be had thereon, and made known in these Islands.

VOTED and passed the Assembly this 27th Day of *February* 1782, and ordered to be laid before the Council for Concurrence.

CORNELIUS HINSON, Speaker.

CONCURRED to by the Council this 29th Day of *March* 1782.

THOMAS JONES, President.

ASSENTED to this 30th Day of *March* 1782.


W. M. BROWNE.



B E R M U D A.

A N A C T

For the Encouragement of the Owners of Lands in these Islands to enclose the same with Walls, Fences, Rails or Ditches, by compelling the Proprietors or Possessors of the adjacent Lands to contribute to the Expence thereof.



HEREAS the Arable and Pasture Lands within these Islands are considerably reduced in value, as well by the want of Inclosures proper to keep out loose and stray Cattle, as by the Soil's being divided and cut to pieces by numberless diagonal Foot Paths and Bye Ways; and whereas it is an Object highly worthy the attention of the Legislature, more especially at a Time when the Price of the Necessaries of Life is so greatly enhanced as at present, to give every Encouragement to the cultivation of Land; in order, therefore, to effect this good Purpose, We, your Majesty's most dutiful and loyal Subjects the General Assembly of these your Majesty's Bermuda or Somers' Islands, in America, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council and Assembly, and it is hereby enacted and ordained by the

G

Authority

Authority of the same, that when and as often as the Owner or Owners, Proprietor or Proprietors, of any Tract or Parcel of Land or Ground lying within the Islands of Bermuda, shall be desirous of inclosing the same, and the Proprietor or Proprietors of any other Piece or Parcel of Land adjoining such Tract or Parcel by its Proprietor desired to be inclosed, shall not agree either in the manner how the same, or any Part thereof shall be enclosed, or respecting the Quantum of the Costs or Expences attending such Inclosure, or there shall be any other Disagreement whatever between the said Parties, respecting or attending such Inclosure, that then it shall and may be lawful for such Owner or Owners, Proprietor or Proprietors, to apply to the Justice or Justices of the Peace of the Parish where the Lands so desired to be inclosed shall so lie, and for want of a Justice in such Parish, to the next two Justices of the Peace of any other Parish or Parishes, who is or are hereby directed and empowered immediately, on such Application, to grant his or their Warrant to such and so many, not less than three, nor exceeding seven, reputable Freeholders of the Parish where such Lands lie, requiring them, or any three or more of them, to view the said Land, fix the mode of inclosing the same, either by Walls, Fence, Post and Rail, or Ditch, or any or either of them, ascertain the Cost of such Inclosure, and fix such equitable Proportions in their discretion, whether equal or unequal, that the Owners of the Lands adjoining to such Tract or Parcel of Land or Ground so about to be inclosed, shall be obliged to contribute and pay thereto, either in Materials, Labour, or Money; and that such Freeholders shall make a return of such Warrant to such Justices, in Writing, under their respective Hands, and on Oath of the said Freeholders, who shall so execute such Warrant by the said Justices granted as aforesaid.

AND be it also enacted, that in case of the Neglect, Refusal or Delay of the Owner or Owners, Proprietor or Proprietors, of any Land or Ground so adjoining the Tract or Parcel of Land or Ground about to be enclosed, to contribute to pay his, her, or their Proportion of Materials, Labour or Money, so fixed and ascertained by such Freeholders, upon Complaint to and Proof thereof before the Justice or Justices of the Peace of the Parish where the Party refusing, delaying or neglecting, liveth, that then the said Justices shall issue their Warrant, directed to the Constable or Constables of the Parish where the Lands shall be, thereby requiring them to put the Complainant into possession of a Moiety of the Lands of the Defendant

Defendant so divided by the Inclosure aforesaid, to hold to him the said Complainant, his Heirs and Assigns, at a Rent to be ascertained by the Justice or Justices of the Peace of the Parish annually, where the Lands shall lie, until such Time as the said Money so be paid by the Rents thereof, unless the same shall be sooner paid by the Proprietor thereof, or other Person in his behalf.

AND be it further enacted by the Authority aforesaid, that when any Lands shall be inclosed (by virtue of this Act) by Posts and Rails, that such Posts and Rails shall, from Time to Time, be repaired or renewed as often as the same shall be found necessary, at the joint Expence of the Parties whose Lands shall be divided by Posts and Rails; and that if any Negro or other Slave shall wilfully break down any Wall or Fence, or destroy, steal or carry away any Post or Rail so inclosing or dividing any Lands, every such Negro or other Slave, on legal Conviction, shall suffer such Punishment as shall be inflicted by any Justice or Justices of the Peace before whom such Negro or other Slave shall be convicted, not extending to Life, Limb or Banishment; and that the Owner of such Negro or other Slave shall pay all such Costs, Charges and Expences attending such Conviction, together with all such Damages as the Justice or Justices before whom such Conviction shall be made, shall, in his or their Judgement decree, that such convicted Slave shall have injured the Proprietor or Proprietors of the Lands, by the wilful breaking down any Wall or Fence, destroying, stealing or carrying away any Posts or Rails so dividing or inclosing any Lands in these Islands.

VOTED and passed the Assembly this 8th Day of *February* 1782, and ordered to be laid before the Council for Concurrence.

CORNELIUS HINSON, Speaker.

CONCURRED to by the Council this 26th Day of *March* 1782.

THOMAS JONES, President.

ASSENTED to this 27th Day of *March* 1782.


W M. BROWNE.



B E R M U D A.

A N A C T

For ascertaining the manner in which MARTIAL
LAW shall be declared and conducted,
whenever the Necessities of the Public shall
render such a Measure expedient.



HEREAS it is essentially necessary to the Free-
dom and Happiness of every Community, that its
Laws should be fixed and certain, there being not
any stronger Badge of Servitude, than that the
Law of any Country should be vague and undeter-
mined ; and whereas there is no Law of the Land
describing the Objects and ascertaining the Bounds of Martial Law;
and whereas it may be at some Time necessary, and more especially
in Time of War, that Martial Law should be declared, We, there-
fore, your Majesty's most dutiful and loyal Subjects the General
Assembly of these your Majesty's Bermuda or Somers' Islands, in
America, do most humbly beseech your Majesty that it may be
enacted, and be it enacted by your Majesty's Governor, Council
and Assembly, and it is hereby enacted and ordained by the Autho-
rity of the same, when and so often as the Governor or Com-
mander in Chief of these Islands shall see fit, by and with the Ad-
vice and Consent of his Majesty's Council, to declare Martial Law
to be in force, then, and during the same time the Inhabitants of
H these

these Islands (his Majesty's regular Soldiers excepted) shall be subject and conform to the following Articles or Regulations :

First, No Person shall entice or persuade, or attempt to entice or persuade another to commit or to join in the commission of any traitorous or rebellious Act against his Majesty's Government, under pain of Death ; and any Person who may be privy to such Treason or Rebellion, and shall neglect to give Information thereof to the superior Officers of Government, or some or one of them, shall be deemed equally guilty, and be in like manner subject to Death.

Secondly, All Persons guilty of Theft, Robbery, Murder, Burglary, Manlaughter, Grand Larceny, Petty Larceny, or any other Crime or Misdemeanor, during Martial Law, shall be subject and liable to the like Pains and Penalties as such Persons would have been by the Laws of the Land, in case Martial Law had not been in force, with this Alteration only, that instead of the usual Mode of Trial by Jury, the accused Person be tried by a Court Martial herein after to be appointed.

Thirdly, That all Actions of Trespafs, *vi et armis*, Assault and Battery arising during the existence of Martial Law, be in like manner tried and determined by the Court Martial aforesaid ; but that no other Actions, real, personal or mixed, wherein the Rights, Privileges or Property of the Subject may be drawn in question, be tried or determined until the restoration of Civil Government ; nor shall any retrospect be had to any Treason, Felony, Murder, or any other the Crimes or Misdemeanors comprized in the second Article committed previous to the declaration of Martial Law, nor any Person brought to Trial therefor until the restoration of Civil Government as aforesaid.

Fourthly, Any Militia Officer or Soldier who shall desert to the Enemy, fly his Colours, or disclose the Watch Word without Orders, or give a different one from that directed by the proper Officer, or in any other respect behave in an unsoldier-like manner, shall suffer such Pain and Penalty as shall be fixed by the Court Martial aforesaid.

And be it further enacted by the Authority aforesaid, that his Excellency the Governor or Commander in Chief for the time being, the Members of his Majesty's Council for the Time being, the

the Militia Field Officers and Captains, be, and they are hereby appointed a Council of War, with power to make such other Articles, not repugnant to the foregoing, or extending to Life, Limb, Corporal Punishment, or Banishment, as the Majority of such Council of War as shall be present in Council, shall judge expedient, and to annex to each Article such Punishment as they shall think fit, by Imprisonment or Fine, provided such Fine for each Transgression do not exceed the Sum of Fifty Pounds; and also provided that a Quorum of such Council of War, to carry into execution the Powers vested in them by this Act, shall consist of the Governor or Commander in Chief of these Islands for the Time being, three of the Members of his Majesty's Council, a Field Officer, and two Captains at least; and that such Field Officers and Captains be Natives, or have been Inhabitants of these Islands not less than five Years; and whose Families and Fortunes are chiefly within this Government; and further provided that no Council of War be held without a previous and timely Notice of the Time and Place of the fitting of such Council of War given to the President of his Majesty's Council, and the Colonel or other Field Officer, that they may respectively give Notice thereof to the Members of the said Council and the Militia Officers.

AND be it also enacted, that it shall and may be lawful for the Governor or Commander in Chief, by and with the Advice and Consent of his Majesty's Council, to grant Courts Martial for the trial of any Transgression by this Law subjected to the cognizance of such Court, when and as often as they shall deem it necessary or expedient; and also by and with their Advice and Consent, to nominate and appoint the Members thereof, to consist at least of five Persons in all Cases, except in Cases of Life and Death, when such Court Martial shall consist of at least thirteen Persons; and that all Sentences of any Court Martial appointed, be, by virtue of this Act (except in Cases of Life and Death) be determined by the Majority of Voices voting in such Court; and that in Cases of Life and Death, if the said Court shall consist of thirteen Members only, then nine Members of such thirteen holding a Court Martial, concur in each Sentence of Death, and if there be more than thirteen Members, who shall try any Offender, then the Judgement shall pass by the concurrence of two thirds of the Members who shall so try such Offender.

AND be it also enacted, that no Sentence of a Court Martial of Death shall be carried into execution, until after a Report shall be made

made of the whole Proceedings to the Governor or Commander in Chief of these Islands for the Time being, and his Directions shall be signified thereupon.

AND be it also enacted by the Authority aforesaid, that all Civil Pleas and Actions depending in any or either of the Courts of these Islands, shall remain and abide in the same Condition at the Restoration of Civil Government that the same were in at the Declaration of Martial Law, without prejudice to either Party, although a Term should intervene, or any Rule or Order of such Courts be not complied with by the Suitor.

AND be it also enacted by the Authority aforesaid, that the Justices of the Peace of these Islands shall continue to execute the Powers vested in them by Law for the Punishment of Negroes and Slaves, provided the Crimes committed by such Negroes or Slaves do not come immediately under the cognizance of the Court Martial. And that all Vessels, duly cleared, be permitted to sail from these Islands during the continuance of Martial Law, unless prevented by a General Embargo.

AND be it further enacted by the Authority aforesaid, that such Parts of an Act of Assembly, entitled "An Act for the regulating the Militia of these his Majesty's Islands of Bermuda," as are not repugnant to this Act, shall be and continue in force during the time of Martial Law.

PROVIDED always, and it is hereby further enacted and declared by the Authority aforesaid, that nothing contained in this Act shall be expounded, construed or understood to diminish, alter or abridge the Power of the Governor or Commander in Chief for the Time being, but that in all Things, and upon all Occasions, he may act as fully and freely as Captain General, Governor and Commander in Chief, to all Intents and Purposes, as if this Act had never been made, any Thing in this Act in any wise to the contrary notwithstanding.

ALSO provided always, and it is hereby enacted and declared by the Authority aforesaid, that nothing within this Act, or any Clause therein contained, shall be deemed, construed, or understood to give any Captain General or Commander in Chief, any Council of War or Court Martial, any Power or Authority to send any Person or Persons off these Islands against his or their Wills.

AND be it enacted by the Authority aforesaid, that every Member of a Court Martial, previous to his sitting in trial on any Offence, in consequence of this Act, shall take, in the presence of the Chief Justice, or some Magistrate to be for the purpose appointed by the Commander in Chief for the Time being, the following oath, to wit,

I *A. B.* do solemnly swear, on the holy Evangelists of Almighty God, that I will well and truly, to the utmost of my Power and Ability, without Favor, Partiality or Affection, discharge the Trust reposed in me by an Act, entitled
“ An Act for ascertaining the manner in which Martial
“ Law shall be declared and conducted whenever the Ne-
“ cessities of the Public shall render such a Measure ex-
“ pedient.” So help me God.

AND be it enacted by the Authority aforesaid, that this Act shall be and remain in force for and during the Term of Two Years from the publication hereof, and from thence to the end of the next Session of the Assembly, and then to determine and expire.

VOTED and passed the Assembly this 6th Day of *February* 1782, and Ordered to be laid before the Council for Concurrence.

CORNELIUS HINSON, Speaker.

CONCURRED to by the Council this 15th Day of *March* 1782.

THOMAS JONES, President.

ASSESSED to this 16th Day of *March* 1782.

W M. BROWNE.

An Act to alter and amend an Act, entitled ^{1782.} Expired.

An Act to prohibit the taking Fish in these Islands with any Sein or Net exceeding twenty-one Feet in length, and six Feet in breadth, or any Tramel, Fiskpot, Drudge or other Device whatever, other than Turtle-Nets, Cast-Nets, Lines and Hooks, Stafs and Grains, Giggs and Tongs.



An Act to alter and amend an Act, entitled Expired.

An Act for regulating the Militia of these his Majesty's Islands of Bermuda.



An Act for removing in future certain Difficul- ^{Not approv-}
ties, to which the Trade of these Islands has ^{ed.}
been at different Times heretofore improp-
perly subjected.



An Act for renewing, altering and amending ^{Expired.}
an Act, entitled *An Act for the Establish-
ment of a Civil Watch in these Islands.*

An

Expired.

An Act for the Preservation of the different Harbours within these Islands, by the removal of the Hulks, Wrecks and Remains of Vessels now lying therein, and pointing out the Mode to be observed in the removal of any Hulks, Wrecks and Remains of Vessels in future, and for the prevention of Damage by the improper Heaving of Ballast, Rubbish and Gravel into the said Harbours.



Expired.


An Act imposing a Tax on all Dogs belonging to the Inhabitants of or Residents in these Islands, in order to discourage the keeping of Dogs useless or prejudicial to the Public.



B E R M U D A.

A N A C T

As well for the LIMITATION of certain PERSONAL ACTIONS and avoiding of SUITS, as for the AMENDMENT of the LAW and the better advancement of Justice.

 F O R the Limitation of certain Personal Actions, the avoiding of Suits, the Amendment of the Law in several Particulars, and for the easier, speedier, and better advancement of Justice, We, your Majesty's most dutiful and loyal Subjects, the General Assembly of these your Majesty's Bermuda or So-ers' Islands, in America, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council and Assembly, and it is hereby enacted and ordained by the Authority of the same, that all Actions of Trespass, quare clausum fregit, all Actions of Trespass, Detinue, Trover and Replevin, for taking away Goods and Chattles, all Actions of Accounts, and upon the Case, other than such Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants, all Actions of Debt grounded upon any Lending or Contract without Specialty, all Actions of Debt for Arrearages of Rent, and all Actions of Assault, Menace, Battery, Wounding and Imprisonment, or any of them, which shall be sued or
K brought

brought at any Time after the first Day of *November* next, shall be commenced and sued within the Time and Limitation hereafter expressed, and not after, that is to say, the said Actions upon the Case (other than for Slander) and the said Actions for Account, and the said Actions for Trespass, Debt, Detinue and Replevin for Goods or Chattles, and the said Actions of Trespass, quare Clausum fregit, within three Years next after the first Day of *November* next, or within six Years next after the Cause of such Actions or Suits, and not after; and the said Actions of Trespass, of Assault, Battery, Wounding, Imprisonment, or any of them, within one Year next after the said first Day of *November* next, or within four Years next after the Cause of such Actions or Suit, and not after; and the said Action upon the Case for Words, within one Year next after the said first Day of *November*, or within two Years next after the Words spoken, and not after. Yet, nevertheless, be it enacted by the Authority aforesaid, that if in any of the said Actions or Suits, Judgment be given for the Plaintiff, and the same be reversed by Error, or a Verdict pass for the Plaintiff, and upon Matter alledged in Arrest of Judgment the Judgment be given against the Plaintiff, that he take nothing by his Plaint, Writ or Bill; or if any of the said Actions shall be brought by Original, and the Defendant therein be outlawed, and shall after reverse the Outlawry, that in all such Cases the Party, Plaintiff, his Heirs, Executors, or Administrators, as the Case shall require, may commence a new Action or Suit from Time to Time, within a Year after such Judgment reversed, or such Judgment given against the Plaintiff, or Outlawry reversed, and not after.

AND be it further enacted by the Authority aforesaid, that in all Actions of Trespass, quare Clausum fregit, hereafter to be brought, wherein the Defendant or Defendants shall disclaim in his or their Plea, to make any Title or Claim to the Land, in which the Trespass is by the Declaration supposed to be done, and the Trespass be by Negligence or Involuntary, the Defendant or Defendants shall be admitted to plead a Disclaimer, and that the Trespass was by Negligence or Involuntary, and a Tender or Offer of sufficient Amends for such Trespass before the Action brought, whereupon or upon some of them the Plaintiff or Plaintiffs shall be enforced to join Issue; and if the said Issue be found for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall be nonsuited, the Plaintiff or Plaintiffs shall be clearly barred for the said Action or Actions, and all other Suit concerning the same.

AND

AND it further enacted by the Authority aforesaid, that in all Actions upon the Case for slanderous Words, to be sued or prosecuted by any Person or Persons, in any Court of Record within these Islands, that hath power to hold Plea of the same after the Publication hereof, if the Jury, upon the Trial of the Issue in such Action, or the Jury that shall enquire of the Damages, do find or assess the Damages, under Forty Shillings, then the Plaintiff or Plaintiffs in such Action shall have and recover only so much Costs as the Damages so given or assessed amount unto, without any further increase of the same, any Law, Statute, Custom, or Usage of that Part of Great Britain, called England, or of these Islands, to the contrary in any wise notwithstanding; provided always, and be it further enacted by the Authority aforesaid, that if any Person or Persons that is or shall be entitled to any such Action of Trespass, Detinue, Action of Trover, Replevin, Action of Accounts, Actions of Debt, Actions of Trespass for Assault, Menace, Battery, Wounding, or Imprisonment, Actions upon the Case for Words, be or shall be at the Time of any such Cause of Actions given or accrued, fallen or come within the Age of Twenty-one Years, feme covert, non compos mentis, imprisoned or beyond the Seas, that then such Person or Persons shall be at liberty to bring the same Actions, so as they take the same within such Times as are before limited, after their coming to, or being of full Age, discover, of sane Memory, at large and returned from beyond the Seas, as other Persons, having no such Impediment, should have done.

AND be it further enacted by the Authority aforesaid, that from and after the said first Day of *November* next, where any Demurrer shall be joined, and entered in any Action or Suit in any Court of Record within these Islands, the Judge or Judges shall proceed and give Judgment according as the very Right of the Cause and Matter in Law shall appear unto him or them, without regarding any Imperfection, Omission, or Defect in any Writ, Return, Plaint, Declaration, or other Pleading, Process, or Course of Proceeding whatsoever, except those only which the Party demurring, shall specially and particularly set down and express, together with the Demurrer, as Causes of the same, notwithstanding that such Imperfection, Omission, or Defect might have heretofore been taken to be Matters of Substance, and not aided by the Statute made in the Twenty-seventh Year of Queen Elizabeth, entitled "An Act for the Furtherance of Justice in Case of Demurrer and Pleading," (or any other Statute of England made prior to the Settlement of these

these Islands) so as sufficient Matter appear in the said Pleadings, upon which the Court may give Judgment according to the very Right of the Cause, and therefore from and after the said first Day of *November* next, no Advantage or Exception shall be taken of or for an immaterial Traverse, or of or for the Default of entering Pledges upon any Bill or Declaration, or of or for default of alledging the bringing into Court any Bond, Bill, Indenture, or other Deed whatsoever, mentioned in the Declaration or other Pleading, or of or for the Default of alledging of the bringing into Court Letters Testamentary or Letters of Administration, or of or for the omission of *Vi et Armis*, et contra pacem, or either of them, or of or for the want of Averment of *hoc paratus est verificare*, or *hoc paratus est verificare per recordum*, or of or for not alledging *prout patet per recordum*, but the Court shall give Judgment according to the very Right of the Cause as aforesaid, without regarding any such Imperfections, Omissions and Defects, or any other Matter of like Nature, except the same shall be specially and particularly set down and shewn for Cause of Demurrer.

AND be it further enacted by the Authority aforesaid, that from and after the said first Day of *November* next all the Statutes of Jeofails now in force in England shall be extended to Judgments, which shall at any Time afterwards be entered upon Confession, *Nihil dicit*, or non Sum informatus in any Court of Record, and no such Judgment shall be reversed, nor any Judgment upon any Writ of Enquiry of Damages executed thereon, be staid or reversed for or by reason of any Imperfection, Omission, Defect, Matter or Thing whatsoever, which would have been aided and cured by any of the said Statutes of Jeofails in case a Verdict of twelve Men had been given in the said Action or Suit, so as there be an original Writ, or Bill and Warrants of Attorney, duly filed according to the Law as now used.

AND be it further enacted by the Authority aforesaid, that from and after the said first Day of *November* next, it shall and may be lawful for any Defendant or Tenant in any Action or Suit, or for any Plaintiff in Replevin, in any Court of Record, with the Leave of the same Court, to plead as many several Matters thereto as he shall think necessary for his Defence.

PROVIDED nevertheless, that if any such Matter shall, upon a Demurrer joined, be adjudged insufficient, Costs shall be given at

the

the discretion of the Court, or if a Verdict shall be found upon any Issue in the said Cause for the Plaintiffs or Demandants, Costs shall be also given in like manner, unless the Judge who tried the said Issue, shall certify that the said Defendant, or Tenant, or Plaintiff, in Replevin, had a probable Cause to plead such Matter, which, upon the said Issue, shall be found against him.

PROVIDED always, and be it enacted by the Authority aforesaid, that nothing in this Act before contained, shall extend to any Writ, Declaration, or Suit of Appeal, of Felony, or Murder, or to any Indictment or Presentment of Treason, Felony or Murder, or other Matter, or to any Process upon any of them, or to any Writ, Bill, Action or Information, upon any Penal Statute.

AND be it further enacted by the Authority aforesaid, that from and after the said first Day of *November* next, no dilatory Plea shall be received in any Court of Record, unless the Party offering such Plea do, by Affidavit, prove the Truth thereof, or shew some probable Matter to the Court to induce them to believe that the Fact of such dilatory Plea is true.

AND be it further enacted by the Authority aforesaid, that from and after the said first Day of *November* next, if any Action of Debt shall be brought upon any single Bill, or if any Action of Debt or *Scire Facias* shall be brought upon any Judgment, if the Defendant hath paid the Money due upon such Bill or Judgment, such Payment shall and may be pleaded in bar of such Action or Suit; and if any Action of Debt is brought upon any Bond, which hath Condition of Defeazance to make void the same upon payment of lesser Sum at a Day and Place certain, if the Obligor, his Heirs, Executors, or Administrators, have, before the Action brought, paid to the Obligee, his Executors or Administrators, the Principal and Interest due by the Defeazance or Condition of such Bond, though such Payment was not made strictly according to the Condition or the Defeazance, yet it shall and may nevertheless be pleaded in bar of such Action, and shall be as effectual a Bar thereof, as if the Money had been paid at the Day and Place according to the Condition or Defeazance, and had been so pleaded.

AND be it further enacted by the Authority aforesaid, that if at any Time pending an Action upon any such Bond, with a Penalty, the Defendant shall bring into the Court where the Action
L shall

shall be depending, all the Principal Money and Interest due on such Bond, and also all such Costs as have been expended in any Suit or Suits in Law or Equity upon such Bond, the said Money so brought in shall be deemed and taken to be in full Satisfaction and discharge of the said Bond, and the Court shall and may give Judgment to discharge every such Defendant of and from the same accordingly.

AND be it further enacted by the Authority aforesaid, that all Suits and Actions in the Court of Admiralty for Seamen's Wages, which shall become due after the said first Day of *November* next, shall be commenced and sued within six Years next after the Cause of such Suits or Actions shall accrue, and not after.

PROVIDED nevertheless, and be it further enacted, that if any Person or Persons who is or shall be entitled to any such Suit or Action for Seamen's Wages, be or shall be at the Time of any such Cause or Suit, or Action accrued, fallen or come within the Age of twenty-one Years, Feme Covert, Non compos mentis, imprisoned or beyond the Seas, that then such Person or Persons shall be at liberty to bring the same Actions, so as they take the same within Six Years next after their coming to or being of full Age, Discover, of sane Memory, at large, and returned from beyond the Seas.

AND be it further enacted by the Authority aforesaid, that if any Person or Persons against whom there is or shall be any such Cause of Suit or Action for Seamen's Wages, or against whom there shall be any Cause of Action of Trespass, Detinue, Actions Sur Trover or Replevin for taking away Goods or Chattles, or of Action of Account or upon the Case, of Debt, grounded upon any Lending or Contract without Specialty, or Debt for Arrearages of Rent or Assault, Menace, Battery, Wounding, and Imprisonment, or any of them be, or shall be at the Time of any such Cause of Suit or Action given or accrued, fallen or become beyond the Seas, that then such Person or Persons who is, or shall be entitled to any such Suit or Action, shall be at liberty to bring the said Actions against such Person and Persons, after their return from beyond the Seas, so as they take the same after their return from beyond the Seas within such Times as are respectively limited for the bringing of the said Actions before by this Act.

AND be it further enacted by the Authority aforesaid, that all
Warranties

Warranties made by any Tennant for Life of any Lands, Tenements or Hereditaments, the same descending or coming to any Person or Persons in Reversion or R  mainder, shall be void and of no effect; and likewise all collateral Warranties made of any Lands, Tenements or Hereditaments, by any Ancestor, who has no State of Inheritance in possession in the same, shall be void against his Heir.

AND be it further enacted by the Authority aforesaid, that from henceforth Actions of Account shall and may be brought and maintained against the Executors and Administrators of any Guardian, Bailiff and Receiver, and also by one joint Tenant and Tenants in common, his Executors and Administrators, against the other, as Bailiff for receiving more than comes to his just Share or Proportion, and against the Executor and Administrator of such Joint Tenant or Tenant in common; and the Auditors appointed by the Court where such Action shall be depending, shall be and are hereby empowered to administer an Oath, and examine the Parties touching the Matters in Question; and for their Pains and Trouble in auditing and taking such Account, have such Allowance as the Court shall adjudge to be reasonable, to be paid by the Party on whose side the Ballance of the Account shall appear to be.

AND be it also enacted by the Authority aforesaid, that from and after the said first Day of *November* next ensuing, no Person or Persons who shall happen to be arrested by the Sheriff, or Provost Marshall, or his Deputy, or by any Coroner, by force or colour of any Writ, Bill, or Process issuing or to be issued out of any Court of Record in these Islands, in which said Writ, Bill, or Process, the certainty and true Cause of Actions, is not expressed particularly, and for which the Defendant or Defendants in such Writ, Bill, or Process named, is and areailable by the Statute in that behalf made in the three and twentieth Year of the Reign of the late King Henry the Sixth, shall be forced or compelled to give Security, or to enter into Bond with Sureties for the Appearance of such Person or Persons so arrested, at the Day and Place in the said Writ, Bill or Process, specified or contained in any Penalty or Sum of Money exceeding the Sum of Forty Pounds current Money, to be conditioned for such Appearance, and that the Sheriff, Provost Marshall, or Coroner, shall let to bail and deliver out of Prison, and from his Custody, all and every Person and Persons whomsoever by him so arrested upon any such Writ, Bill, or Process,

cess, wherein the certainty and true Cause of Action is not particularly expressed, upon Security in the Sum of Forty Pounds, and no more given for Appearance of such Person or Persons, so arrested, unto the said Sheriff or Provost Marshall, or Coroner, according to the said Statute in the said three and twentieth Year of the Reign of the said late King Henry the Sixth, in that Behalf made and provided.

PROVIDED always, that this Act, nor any Clause or Thing herein before specified or contained, shall not extend, nor be construed or taken to extend unto any Arrests hereafter to be made upon or by virtue of any Writ of Capias Utlagatum, Attachment upon Refractory, or Attachment upon any Contempt, or of any Attachment of Privilege at the Suit of any privileged Person, or of any other Attachment for Contempt whatsoever, issuing or to be issued out of any Court of Judicature in these Islands, although there be no particular certainty of the Cause of Action expressed or contained in such Writs, but that nevertheless no Sheriff or Provost Marshall, or his Deputy, or Coroner, shall discharge any Person or Persons taken upon any Writ of Capias Utlagatum, out of Custody without a lawful Superseas; and that upon the said Writs of Attachment such lawful Course be taken for Security for Appearance therein, as hath been heretofore used, any Thing herein before expressed to the contrary thereof in any wise notwithstanding.

VOTED and passed the Assembly this 8th Day of *February* 1782, and Ordered to be laid before the Council for Concurrence.

CORNELIUS HINSON, Speaker.

CONCURRED to by the Council this 30th Day of *March* 1782.

THOMAS JONES, President.

ASSENTED to this 30th Day of *March* 1782.

WILLIAM BROWNE.

BERMUDA.

AN ACT

For the better REGULATION of SEAMEN.

HEREAS great Loss and Damage is frequently occasioned to Trade and Navigation, by Seamen deserting their Employ or Voyage they are entered upon, or being taken off from the same by Arrest and Restraint for Debt, or Pretence thereof due to Inn-keepers, Victuallers, or Venders of Wine, Spirituous or other strong Liquors, for remedy of which We, your Majesty's most dutiful and loyal Subjects the General Assembly of these your Majesty's Bermuda or Somers' Islands, in America, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council, and Assembly, and it is hereby enacted and ordained by the Authority of the same, that if any Inn-keeper, Victualler, or Seller of Wine, or strong Liquors, shall trust or give Credit to any Mariner or Seaman belonging to any Ship or other Vessel, without the Knowledge and Allowance of the Master or Commander thereof, if any Process or Attachment for any Debt so contracted without Knowledge and Allowance as aforesaid, shall be granted against or served upon such Mariner or Seaman, until he shall have performed the Voyage he then entered upon, and be discharged of the same, every such Process, and the Service thereof, shall, on Proof made before any

M Judge

Judge or Justice of the Peace within these Islands, that such Process is grounded on a Debt or Pretence of Debt contracted by the Defendant to the Plaintiff in such Process, without the Knowledge and Allowance of the Master or Commander of the Ship or Vessel to which the Defendant then really and bonafide belonged at the Time of the contracting of such Debt, be by such Judge or Justice of the Peace, before whom such Proof shall be made, adjudged to be thenceforth utterly void in Law, and such Judge or Justice is hereby authorized and required, immediately after such Proof, to order the Release of the Defendant accordingly.

AND be it further enacted by the Authority aforesaid, that if any Inn-keeper, Victualler, or Vender of Wines, Spirituous or other strong Liquors, shall stop or detain any Chest or Wearing Apparel, belonging to any Seaman or Mariner, for any Debt contracted by such Seaman or Mariner, without the Allowance and Consent of the Master or Commander of the Ship or other Vessel to which such Seaman or Mariner belonged at the Time of the contracting of such Debt, every such Inn-keeper, Victualler, Vender of Wine, Spirituous or other strong Liquors, shall forfeit and pay to the Master or Commander, or Owner of such Ship or other Vessel, to which such Seaman or Mariner shall really and truly belong, the Sum of Twenty Pounds of current Money, to be recovered by Action of Debt in any Court of Record within these Islands, by such Master or Commander or Owners, who shall first sue for the same; and if any Inn-keeper, Victualler or Vender of Wines, Spirituous or other strong Liquors, or any other Person on his, her or their behalf, shall stop any Chest and Cloths, or either of them, belonging to any such Seaman or Mariner, as aforesaid, it shall be deemed that such Stoppage was made for a Debt contracted by such Seaman or Mariner, contrary to the Allowance and Consent of the Master or Commander of the Ship or other Vessel, to which such Seaman or Mariner belongs, until the contrary shall be proved by such Person so stopping such Chest and Cloaths, or either of them.

AND be it further enacted by the Authority aforesaid, that if the Master or Commander of any Ship or other Vessel shall ship any Seaman, knowing him to be first entertained and shipped on Board another Ship or Vessel, or after Notice thereof given him, shall not forthwith dismiss him, every such Master or Commander so offending, being thereof convicted, shall forfeit and pay the Sum of Twenty Pounds current Money, one Moiety thereof to his Majesty,

Heirs and Successors, for and towards supplying the Deficiency of the Fund established by an Act, entitled "An Act for raising a Public Revenue for the Support of the Government of these his Majesty's Islands," and the other Moiety to him or them that shall sue for the same, by Action, Bill, Complaint or Information, in any Court of Record within these Islands, and such Seaman, so shipping himself, shall forfeit and pay the Value of one Month's Wages, that he shall agree for, to be recovered, employed, and disposed of in manner as aforesaid.

AND be it further enacted by the Authority aforesaid, that if any Mariner or Seaman, having shipped himself on Board any Ship or other Vessel to proceed on any Voyage and under Pay, (the same being made appear by his Hand, set to the Master's Book, or other written Agreement) shall neglect his Attendance and Duty on Board, and absent himself from his said Service, upon Complaint thereof made to any Judge or Justice of the Peace within the said Parish, such Justice is hereby empowered to convict such Mariner or Seaman before him, and upon Conviction of his so absenting himself as aforesaid, to commit him to Prison, that so he may be secured and forthcoming to proceed on the Voyage he has so agreed to, and to be delivered by Order of the said Judge or Justice.

VOTED and passed the Assembly this 1st Day of *March* 1782, and Ordered to be laid before the Council for Concurrence.

CORNELIUS HINSON, Speaker.

CONCURRED to by the Council this 15th Day of *March* 1782.

THOMAS JONES, President.

ASSESSED to this 16th Day of *March* 1782.

WILLIAM BROWNE.

An Act as well for issuing from the Public Treasury Certificates to certain Creditors to the Public, chargeable on the Fund established by an Act, entitled "An Act for raising a Public Revenue for the Support of the Government of these his Majesty's Islands," and directing the Mode of issuing and sinking such Certificates, as for supplying the Deficiency of the said Fund.